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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO.3265 OF 2005.

PETITIONER : Dev Prasad,
S/o Shri Krishna Prasad Kewat,
aged about 41 years, Ocup.-
Agriculturist, R/o Village
Patoud, Tah. & Distt.- Kanker
(NorthBastar) (C.G.)

2225/05
R. KRISHNA
P.R. Presented on 25/6/05 dated

VERSUS

RESPONDENTS :1. Board Of Revenue,
Chhattisgarh at Bilaspur Circuit
Court Raipur, Chhattisgarh,
Through: President of Board Of
Revenue, Chhattisgarh at
Bilaspur (C.G.)

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2. Tahsildar Kanker,
Distt. Kanker (North Bastar),
Chhattisgarh.

3. State of Chhattisgarh,
Through: Collector,
Distt- Kanker (North Bastar)
(Chhattisgarh)

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक .....W.P.NO.3265/05..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22-8-2005

Shri R.K. Sharma, counsel for the petitioner.

Shri Yashwant Singh Thakur, Govt. Advocate for the State.

Heard on admission.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 8-6-2005 passed by the Board of Revenue in revenue case No.09/B-121/2004-05 whereby the Board of Revenue rejected the application filed under Section 8 of the Chhattisgarh Land Revenue Code against the order of Tehsildar, Kanker dated 25-5-2005 passed under Section 52 (1) of the Chhattisgarh Land Revenue Code.

Brief facts leading to filing of this writ petition are that Tehsildar, Kanker on the report of Patwari, Halka No.15 initiated proceedings against the petitioner under Section 248 of the Chhattisgarh Land Revenue Code and show cause notice was issued to the petitioner and after hearing the petitioner, passed the order dated 25-5-2005 whereby encroachment on the public street was ordered to be removed and a fine of Rs.9,000/- was imposed on the petitioner, against which the petitioner moved an application under Section 52 (1) of the Chhattisgarh Land Revenue Code for stay and suspension of the order. The Tehsildar on the same application passed the order rejecting the application on the ground that stay cannot be granted and the applicant can approach the appellate Court and obtain stay. Against this order, the petitioner moved the Revenue Board and the Revenue Board rejected the application of the petitioner on the ground that the petitioner is entitled to file revision before the Collector, Kanker under Section 50 of the Chhattisgarh Land Revenue Code, therefore, no further action is required and the papers be consigned to record.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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Barve	I do not find any illegality and infirmity in this order as the Section 52 of the Chhattisgarh Land Revenue Code provides for stay of execution of order by a Revenue Officer who has passed the order at any time before the expiry of the period prescribed for appeal or revision. The petitioner moved an application under this provision of Section 52 (1) of C.G. Land Revenue Code and the same was rejected by Tehsildar on 2-6-2005 against which the petitioner moved the Revenue Board and the Revenue Board rejected the application on the ground that the petitioner is entitled to move revision before the Collector. Therefore, this writ petition deserves to be dismissed and the same is dismissed. Consequently, M.(W.)P. No.2781/2005 and I.A. No.6291/2005 also stand disposed of. **Sd/-** **L.C. Bhadoo** **Judge**	